United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97870771

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Applicant: Stellar Development Foundation

Reference/Docket No. N/A

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NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the "Issue date" below to avoid abandonment of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the "How to respond" section below.

Request an extension. For a fee, applicant may request one three-month extension of the response deadline prior to filing a response. The request must be filed within three months of the "Issue date" below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the "Issue date" to avoid abandonment of the application.

Issue date: June 11, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- Specimen
- Identification of goods and services
- Multi-Class Application Advisory

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

SPECIMEN

Specimen does not show use in specific class(es). Registration is refused because the specimen does not show the applied-for mark as actually used in commerce in connection with any of the goods and/or services specified in International Class(es) 009, 036 and 038. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); *In re Keep A Breast Found.*, 123 USPQ2d 1869, 1876-79 (TTAB 2017); TMEP §§904, 904.07(a), 1301.04(d), (g)(i). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods and/or services identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a); *see In re Gulf Coast Nutritionals, Inc.*, 106 USPQ2d 1243, 1247 (TTAB 2013).

Specifically, the website excerpts don't advertise any services in class 036, 038 and don't show downloadable software.

Examples of specimens. Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

Response options. Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

> (1) Submit a different specimen (a verified "substitute" specimen) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the goods

and/or services identified in the application or amendment to allege use. A "verified substitute specimen" is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use." The substitute specimen cannot be accepted without this statement.

(2) Amend the filing basis to intent to use under Section 1(b) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the Specimen webpage.

IDENTIFICATION OF GOODS AND SERVICES

The identification of goods and services is indefinite and must be clarified because the exact nature of the goods is unclear. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may adopt the following identification, if accurate:

International Class 009: Downloadable software development kits (SDK); Downloadable computer software for digital assets, cryptocurrency networks, blockchains, and distributed ledgers; Downloadable software development kits (SDK) for digital assets, cryptocurrency networks, blockchains, and distributed ledgers; Downloadable computer software for facilitating digital asset issuance and transactions on a blockchain; Downloadable software development kits (SDK) for facilitating digital asset issuance and transactions on a blockchain; Downloadable computer software for enabling the creation, submission, transfer, and validation of digital asset transactions on a blockchain; Downloadable software development kits (SDK) for enabling the creation, submission, transfer, and validation of digital asset transactions on a blockchain; Downloadable computer software for the submission, transmission, validation, storage, and retrieval of digital asset transaction data on a blockchain; Downloadable software development kits (SDK) for the submission, transmission, validation, storage, and retrieval of digital asset transaction data on a blockchain; Downloadable computer software for interaction with a blockchain; Downloadable software development kits (SDK) for interaction with a blockchain; Downloadable computer software for payment processing and electronic funds transfers; Downloadable software development kits (SDK) for payment processing and electronic funds transfers; Downloadable computer software for payment processing and electronic funds transfers for cryptocurrency and digital assets; Downloadable software development kits (SDK) for payment processing and electronic funds transfers for cryptocurrency and digital assets; Downloadable computer software for developing, interacting with, and reading from smart contracts; Downloadable software development kits (SDK) for developing, interacting with, and reading from smart contracts; Downloadable computer software for creating stored value accounts and digital wallets; Downloadable software development kits (SDK) for creating stored value accounts and digital wallets; Downloadable computer software for creating graphical user interfaces and applications built on or to interact with a blockchain network; Downloadable software development kits (SDK) for creating graphical user interfaces and applications built on or to interact with a blockchain network; Downloadable computer software for electronic data storage; Downloadable software development kits

(SDK) for electronic data storage; Downloadable computer software for sending, receiving, storing, and trading cryptocurrency and digital assets; Downloadable software development kits (SDK) for sending, receiving, storing, and trading cryptocurrency and digital assets

The wording "Charitable services consultancy in the nature of assisting third parties in designing, developing and implementing charitable services and the disbursement of financial assistance" is indefinite because it identifies services in more than one classification. Technical information is classified the class as the subject matter of the information, e.g., providing technical information in the field of {indicate subject matter of information} [classification depends on service-related subject matter].

International Class 035: Business services, namely, assisting others in the establishment of charitable organizations

International Class 036: Financial services facilitated by means of a decentralized blockchain protocol, **namely, {specify, e.g., namely, blockchain-based payment verification services}**; financial services facilitated by means of a decentralized blockchain protocol, namely, financial and digital asset issuance and management; financial services facilitated by means of a decentralized blockchain protocol, namely, **managing** financial and digital asset transaction, exchange, and payment **transaction** processing services; peer-to-peer financial services facilitated by means of a decentralized blockchain protocol, namely, **managing** financial and digital asset transaction, exchange, and payment **transaction** processing services; financial services consultancy in the nature of assisting third parties to integrate with decentralized blockchain payment **verification services** ~~protocols~~; charitable services consultancy in the nature of ~~assisting third parties in designing, developing, and implementing third party charitable services for the disbursement of financial assistance~~ **financial consulting services in the field of planned giving for non-profit and charitable organizations;** financial services consultancy in the nature of assisting third parties in ~~designing~~, developing and implementing bulk disbursement and payment programs*;* providing financial grants to third parties for the development and integration of services offered on decentralized blockchain protocols*;* providing a website ~~and~~ **featuring** information in the field of financial services facilitated by means of a decentralized blockchain protocol, namely, **information regarding** financial and digital asset transaction, exchange, and payment **transaction** processing services; financial services facilitated by means of a decentralized blockchain protocol, namely, ~~services for allowing third parties to send, receive, store, and~~ **trading** cryptocurrency and digital assets*;* **providing a website featuring technical information in the field of** *financial management of* **digital assets, cryptocurrency networks, blockchains, and distributed ledgers; providing a website featuring technical information in the field of facilitating digital asset issuance and transactions on a blockchain; providing a website featuring technical information in the field of creation, submission, transfer, and validation of digital asset transactions on a blockchain; providing a website featuring technical information in the field of payment transaction processing and electronic funds transfers; providing a website featuring technical information in the field of payment processing and electronic funds transfers for cryptocurrency and digital assets; providing a website featuring technical information in the field of trading cryptocurrency and digital assets**

International Class 038: Peer-to-peer network computer services, namely, electronic transmission and storage of financial and digital asset data via computer terminals, servers, nodes, and electronic devices; transmission of financial and digital asset data by electronic communications networks; **providing a website featuring technical information in the field of electronic data storage; providing a website featuring technical information in the field of sending, receiving, and**

electronically storing cryptocurrency and digital assets

International Class 042: Computer programming and software design; computer software consultancy; consultancy in the field of software design; application service provider featuring application programming interface (API) software; ~~providing a website featuring technical information in the field of digital assets, cryptocurrency networks, blockchains, and distributed ledgers~~; providing temporary use of online non-downloadable software for **financial management of** digital assets, cryptocurrency networks, blockchains, and distributed ledgers; application service provider featuring application programming interface (API) software for **financial management of** digital assets, cryptocurrency networks, blockchains, and distributed ledgers; ~~providing a website featuring technical information in the field of facilitating digital asset issuance and transactions on a blockchain~~; providing temporary use of online non-downloadable software for facilitating digital asset issuance and transactions on a blockchain; application service provider featuring application programming interface (API) software for facilitating digital asset issuance and transactions on a blockchain; ~~providing a website featuring technical information in the field of creation, submission, transfer, and validation of digital asset transactions on a blockchain~~; providing temporary use of online non-downloadable software for enabling the creation, submission, transfer, and validation of digital asset transactions on a blockchain; application service provider featuring application programming interface (API) software for enabling the creation, submission, transfer, and validation of digital asset transactions on a blockchain; providing a website featuring technical information in the field of the submission, transmission, validation, storage, and retrieval of digital asset transaction data on a blockchain; providing temporary use of online non-downloadable software for the submission, transmission, validation, storage, and retrieval of digital asset transaction data on a blockchain; application service provider featuring application programming interface (API) software for the submission, transmission, validation, storage, and retrieval of digital asset transaction data on a blockchain; **providing a website featuring technical information in the field of interaction with a blockchain, namely{specify}**; providing temporary use of online non-downloadable software for interaction with a blockchain, **namely{specify}**; application service provider featuring application programming interface (API) software for interaction with a blockchain, **namely, {specify the function of the software}**; ~~providing a website featuring technical information in the field of payment transaction processing and electronic funds transfers~~; providing temporary use of online non-downloadable software for payment processing and electronic funds transfers; application service provider featuring application programming interface (API) software for payment processing and electronic funds transfers; providing a website featuring technical information in the field of **the software for** payment processing and electronic funds transfers for cryptocurrency and digital assets; providing temporary use of online non-downloadable software for payment processing and electronic funds transfers for cryptocurrency and digital assets; application service provider featuring application programming interface (API) software for payment processing and electronic funds transfers for cryptocurrency and digital assets; providing a website featuring technical information in the field of **the software for** developing, interacting with, and reading from smart contracts; providing temporary use of online non-downloadable software for developing, interacting with, and reading from smart contracts; application service provider featuring application programming interface (API) software for developing, interacting with, and reading from smart contracts; providing a website featuring technical information in the field of **the software for** creating stored value accounts and digital wallets; providing temporary use of online non-downloadable software for creating stored value accounts and digital wallets; application service provider featuring application programming interface (API) software for creating stored value accounts and digital wallets; providing a website featuring technical information in the field of creating graphical user interfaces and applications built on or to interact with a blockchain network; providing temporary use of online non-downloadable software for creating

graphical user interfaces and applications built on or to interact with a blockchain network; application service provider featuring application programming interface (API) software for creating graphical user interfaces and applications built on or to interact with a blockchain network; **providing a website featuring technical information in the field of electronic data storage**; providing temporary use of online non-downloadable software for electronic data storage; application service provider featuring application programming interface (API) software for electronic data storage; **providing a website featuring technical information in the field of sending, receiving, storing, and trading cryptocurrency and digital assets**; providing temporary use of online non-downloadable software for sending, receiving, storing, and trading cryptocurrency and digital assets; application service provider featuring application programming interface (API) software for sending, receiving, storing, and trading cryptocurrency and digital assets; **providing temporary use of non-downloadable web-based decentralized applications (DApps) for {specify the function of the applications, e.g., cryptocurrency trading}**

Applicant should note that the bolded language above is to indicate the examining attorney's suggestions. Applicant need not amend its identification other than where specified.

Scope advisory. Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. See TMEP §1402.07(e). For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable U.S. Acceptable Identification of Goods and Services Manual. See TMEP §1402.04.

MULTIPLE-CLASS APPLICATION REQUIREMENTS

The application identifies goods and/or services that are classified in at least 5 classes; however, applicant submitted a fee(s) sufficient for only 4 class(es). In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2), (b)(2); TMEP §§810.01, 1403.01. For more information about adding classes to an application, see the Multiple-class Application webpage.

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fees already paid, or (2) submit the fees for each additional class.

The fee for adding classes to a **TEAS Standard** application is $350 per class. *See* 37 C.F.R. §2.6(a)(1)(iii). For more information about adding classes to an application, see the Multiple-class Application webpage.

The application references goods and/or services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

> (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).

> (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the USPTO's current fee schedule). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 5

classes; however, applicant submitted a fee(s) sufficient for only 4 class(es). Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.

(3)   **Submit verified dates of first use of the mark** anywhere and in commerce **for each international class**. See more information about verified dates of use.

(4)   **Submit a specimen for each international class**. The current specimen is acceptable for class(es) 042; and applicant needs a specimen for class(es) 009, 035, 036 and 038. See more information about specimens.

Examples of specimens. Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

(5)   **Submit a verified statement** that "**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**" See more information about verification.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the Multiple-class Application webpage.

RESPONSES

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a **response form to this nonfinal Office action** or file a **request form for an extension of time to file a response**.

/Cheryl Clayton/
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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to abandon.** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) system availability could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.

- **Responses signed by an unauthorized party** are not accepted and can **cause the application to abandon.** If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.

- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on June 11, 2023 for
U.S. Trademark Application Serial No. 97870771

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

(1) Read the Office action. This email is NOT the Office action.

(2) Respond to the Office action by the deadline using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be abandoned. See the Office action itself regarding how to respond.

(3) Direct general questions about using USPTO electronic forms, the USPTO website, the application process, the status of your application, and whether there are outstanding deadlines to the Trademark Assistance Center (TAC).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **Check the status of your application periodically** in the Trademark Status & Document Retrieval (TSDR) database to avoid missing critical deadlines.

- **Update your correspondence email address** to ensure you receive important USPTO notices about your application.

- **Beware of trademark-related scams**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, TSDR, to confirm that it appears under the "Documents" tab, or contact the Trademark Assistance Center.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.